

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0994-02
Bill No.: HB 396
Subject: Children and Minors; Family Law; Family Services Division; Public Records,
Public Meetings
Type: Original
Date: February 11, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services**, the **Office of Prosecution Services**, the **Missouri Senate**, and the **State Public Defender** assume this proposal would not fiscally impact their agencies.

Officials from the **Department of Social Services - Division of Legal Service (DLS)** assume the effect on DLS will be minimal. DLS states if an employee is charged under this proposal, the Department of Social Services will more likely than not be required to pay defense costs.

Officials from the **Department of Social Services - Division of Family Services (DFS)** state given the heightened civil and criminal liability imposed on DFS employees, it may be necessary to consider funding liability insurance for workers in order to ensure a stable workforce.

The DFS states it will need to purchase recording equipment to meet the requirement that all meetings and hearings regarding removal of a child from his home be preserved on audio or video tape. In some cases, the juvenile office or court may supply the equipment; in other cases, especially for meetings held in DFS offices, DFS will need to supply the equipment.

The DFS currently conducts criminal background checks on licensing applicants. If the term “act

ASSUMPTION (continued)

of violence” is to encompass screening of ex parte orders of protection, costs for background screenings will increase because there is no centralized database for all ex parte orders issued throughout the state.

DFS estimates the costs is unknown and exceeds \$100,000.

Officials from the **Missouri House of Representatives** assume costs related to this proposal would be minimal. MHR assumes if similar proposed legislation is passed the MHR could face a need for an increase in travel money to reimburse House members.

Officials from the **Secretary of State’s Office (SOS)** state this proposal enacts the Dominic James Memorial Foster Care Reform Act of 2003 which modifies various requirements of the state’s foster care system. This will result in the Division of Family Services promulgating rules. These rules would be published in the *Missouri Register* and the *Code of State Regulations*. Based on experience with other divisions, the rules, regulations and forms issued by the Division of Family Services could require as many as 12 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the *Missouri Register* is \$23. The estimated cost of a page in the Code is \$27. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn. SOS estimates total costs to be \$738 [(12 pages x \$27) + (18 pages x \$23)].

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years

Officials from the **Department of Corrections** did not respond to our fiscal note request.

Oversight assumes due to the narrow scope of the crime, the cost would be less than \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE			
<u>Costs - Department of Social Services -</u>			
<u>Division of Family Services</u>			
Program costs	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
<u>Costs - Department of Corrections</u>			
Additional commitments and parole supervision	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes various changes to laws dealing with the Division of Family Services and foster care. In its major provisions, the proposal:

- (1) Allow employees of the division who intentionally or with gross negligence violate division policy, division rules, or state laws to be civilly and criminally liable for damages. Employees who violate policies, rules, or laws are guilty of a class A misdemeanor, unless serious physical injury or death occurs, in which case the individual is guilty of a class D felony;
- (2) Requires the division to submit changes in its policy to a joint legislative committee for review. The proposal specifies the composition of the committee. It allows the committee to approve or disapprove changes and to amend the policy without submitting it to the agency;

Description (continued)

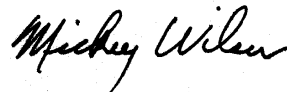
- (3) Requires individuals who report abuse and neglect to the Child Abuse and Neglect Hotline to give the division their name and social security number. Currently, reports of abuse and neglect can be made anonymously;
- (4) Requires meetings and hearings dealing with the removal of a child from his or her home to be recorded. It also allows parents to record the hearing or request a copy of the division's recording. The division must keep the recordings for six months after the case is closed;
- (5) Prohibits the division from requiring individuals to sign a confidentiality agreement before testifying or providing information; and
- (6) Allows the division to refuse to issue or revoke a foster home license to an individual who has pled guilty to or been found guilty of an offense involving an act of violence.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
Office of Prosecution Services
Missouri Senate
State Public Defender
Missouri House of Representatives
Secretary of State
Department of Social Services

Not Responding: Department of Corrections



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